

SIKKIM

GOVERNMENT



GAZETTE

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**SIKKIM STATE ELECTRICITY REGULATORY COMMISSION
CONSTITUTION OF STATE ADVISORY COMMITTEE AND ITS
FUNCTIONING REGULATIONS,**

No. 09/ SSERC/AC/2013

Dated the 24th May, 2013

NOTIFICATION

In exercise of the powers conferred by Section 87 read with Section 181 of the Electricity Act, 2003 (36 of 2003) the Commission hereby makes the following Regulation in regard to the State Advisory Committee.

1. SHORT TITLE AND COMMENCEMENT:

- a) This Regulation may be called the Sikkim State Electricity Regulatory Commission (Constitution of State Advisory Committee and its function) Regulation, 2013.
- b) This Regulation shall come into force from the date of its notification in the Sikkim State Official Gazette.

2. DEFINITIONS:

(1) In this Regulation unless the context otherwise requires;

- "Act" means the Electricity Act, 2003;
- a) "Commission" means the Sikkim State Electricity Regulatory Commission;
- b) "Committee" means the State Advisory Committee;
- c) "State" means the State of Sikkim;
- d) Words and expressions used and not defined herein but defined in the Act shall have the meaning assigned to them in the Act.

3. CONSTITUTION OF THE COMMITTEE:

- a) The Committee shall consist of not more than 21 members to be nominated by the Commission from time to time consistent with Section 87 of Act.
- b) The Members of the Committee shall be nominated for a period on two years and shall be eligible for re-appointment.

- c) A member other than the ex-officio member, who fails to attend three consecutive meetings of the Committee without prior intimation to the Commission and without valid reason for his absence, shall cease to be a member of the Committee.
- d) The Chairperson of the Commission shall be the ex-officio Chairperson of the Committee and the Secretary to State Government in charge of the Department dealing with consumer affairs and public distribution system shall be ex-officio members of the Committee.

4. FUNCTIONS OF THE COMMITTEE:

- (1) Pursuant to section 87 of the Act, the functions of the Committee shall be to advise the Commission:
 - a) Major questions of policy;
 - b) Matters relating to quality, continuity and extent of services provided by licensees;
 - c) Compliance by licensees with the conditions and requirements of their licence;
 - d) Protection of consumer interest; and
 - e) Electricity supply and overall standards of performance by utilities.

5. SECRETARY OF THE COMMITTEE:

- a) The secretary of the Commission shall be the ex-officio Secretary to the Committee.
- b) It shall be the duty of the Secretary to convene the meetings of the Committee with the permission of the Chairperson and to give to the members thereof, unless otherwise specifically directed by the Chairperson, not less than 14 days' notice in writing of the date, time and place of the proposed meeting.

6. PROCEEDINGS OF THE COMMITTEE:

- a) The proceedings of the meetings of the Committee shall be recorded in a minute book to be kept for the purpose and shall be signed by the Chairperson of the meeting at the next succeeding meeting or at any time before such succeeding meeting.
- b) The Committee shall meet at least once in every three months.
- c) The quorum for the commencement of a meeting of the Committee shall be one third of the total membership of the Advisory Committee.
- d) The meeting, after such commencement with a valid quorum can be continued even if during the meeting the number of participating members reduces below the quorum.
- e) If there is no quorum at the commencement of the meeting no business shall be transacted and the Chairperson of the meeting may adjourn the meeting to another date. No quorum shall be necessary at an adjourned meeting.
- f) At the adjourned meeting the agenda proposed for the meeting which was adjourned shall be considered first before other matters are taken up for consideration.
- g) No proceedings of the Committee shall be invalid by reason merely of a vacancy existing in the Committee or by reason of non-receipt of the notice or the agenda papers by any member of the Committee or by reason of any irregularity in the conduct of the business of the meeting.
- h) Unless the Commission otherwise notifies, all meetings of the Committee shall be held at the Office of the Commission.

7. FEES AND ALLOWANCES FOR MEMBERS OF THE STATE ADVISORY COMMITTEE:

- a) A member of the Committee other than an ex-officio member shall be entitled to a fee of Rs. 1000 (Rupees one thousand only) for each sitting.
- b) A member of the Committee attending the meeting of the Committee shall be entitled to allowances for travelling and stay as the Commission may decide from time to time.

8. RESIGNATION OF MEMBER:

A member of the Committee other than an ex-officio member may, by a written notice to the Secretary of the Commission resign from his office and it shall come into effect from the day the Chairperson of the Commission accepts the same.

9. REMOVAL OF MEMBER:

- (1) The Commission may remove any member of the Committee other than an ex-officio member, who:
 - a) Has been adjudged as insolvent; or
 - b) Has been convicted of an offence involving moral turpitude; or
 - c) Has become physically or mentally incapable of acting as a member; or
 - d) Has conducted himself in a manner or has so abused his position as to render his continuance as a member prejudicial to public interest or to the objects and purpose of the Act.
- (2) The member who is proposed to be removed under sub-clause (1) above shall be given an opportunity to represent his position to the Chairperson of the Commission.

10. MISCELLANEOUS:

- a) Subject to the provisions of the Electricity Act, 2003 and this regulation, the Commission may, from time to time, issue orders and practice directions with regard to the implementation of this Regulation and procedures to be followed.
- b) The Commission may, at any time, add, vary, alter, modify or amend any of the provisions of this Regulation.
- c) If any difficulty arises in giving effect to any of the provisions of this Regulation, the Commission may, by general or special order, do or undertake or permit the Committee to do or undertake things which in the opinion of the Commission is necessary or expedient for removing the difficulties.
- d) Subject to the provisions of the Electricity Act, 2003 and this Regulation, the Commission may, from time to time, issue orders and practice directions in regard to the implementation of this Regulation and procedure to be followed and various matters, which the Commission has been empowered by this Regulation to direct and matters incidental or ancillary thereto.
- e) The decisions of the Chairman of the Commission in the matter of interpretation of these Regulations and relating to conduct of business at the meetings of the Committee shall be final.

By order of the Commission,

T. T. Dorji
Chairman,
Sikkim State Electricity Regulatory Commission.